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Of Attorneys for Debtor-in-Possession

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

In re

W. W. Construction, LLC

Debtor-in-Possession.

Case No. 18-60234-dwh11

DEBTOR'S MOTION TO TERMINATE  
THE AUTOMATIC STAY

Debtor-in-Possession, W. W. Construction, LLC ("Debtor") moves the Court for an Order terminating the stay without further notice under FRBP 4001(d)(4) by entering the proposed Order Granting Relief from Stay to Northwest Bank; Stipulation Thereon attached hereto ("Stipulated Order") based on the following:

1. Creditor Northwest Bank has agreed to the terms of the Stipulated Order;
2. As set forth in the Stipulated Order, Northwest Bank will receive all proceeds from the sale at auction. The proceeds will be credited to Debtor's debt with Northwest Bank. The benefit to Debtor and the estate will be a reduction of the amount owed by Debtor to Northwest Bank; and

3. Debtor seeks to have the Stipulated Order entered without further notice under FRBP 4001(d)(4) in order to take advantage of the auctions scheduled for March 16, and March 26 as outlined in the Stipulated Order.

WHEREFORE, Debtor requests termination of the automatic stay without further notice as provided in the attached Stipulated Order

VANDEN BOS & CHAPMAN, LLP

By: /s/Douglas R. Ricks  
Douglas R. Ricks, OSB #044026  
Of Attorneys for Debtor-in-Possession

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ORDER GRANTING RELIEF FROM  
STAY TO NORTHWEST BANK;  
STIPULATION THEREON

Based upon the following and the stipulation of the parties hereto:

1. Debtor-in-Possession W. W. Construction, LLC (Debtor) entered into a business loan agreement with Northwest Bank. The agreement is for the purchase and financing of construction equipment and is secured by UCC 90412810 (a copy of which is attached as **Exhibit 1**).

2. The contract signed by Debtor on March 23, 2015 was for the purchase of equipment listed on Exhibit A to UCC 90412810. The pieces of equipment which are the subject matter of this Order are:

A. 2001 Caterpillar Articulated Truck Model 725, 6202 hours, Serial No. AFX.638 ("2001 Caterpillar"); and

B. 2012 Komatsu 240 Excavator, 2722 hours, with wide tracks, thumb, 36" and grading buckets, Serial No. A20045.

3. At the time of filing the Petition for Chapter 11, Northwest Bank asserts Debtor owed \$431,864.00 on the above equipment along with the other equipment listed on **Exhibit 1**. The above equipment listed in paragraph 2, subparagraphs A and B has the following approximate wholesale values according to Debtor:

A. **\$65,000** - 2001 Caterpillar Articulated Truck Model 725, 6202 hours, Serial No. AFX.638 ("2001 Caterpillar"); and

B. **\$100,000** - 2012 Komatsu 240 Excavator, 2722 hours, with wide tracks, thumb, 36" and grading buckets, Serial No. A20045.

4. Debtor does not dispute that the Debtor has no equity in the above equipment listed in paragraph 3, subparagraphs A and B and is not necessary for an effective reorganization.

5. Debtor and Northwest Bank agree that Northwest Bank is entitled to relief from stay as to the above equipment listed in paragraph 3, Subparagraphs A and B.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Northwest Bank is granted relief from stay as follows:

1. The 2001 Caterpillar Articulated Truck Model 725, 6202 hours, Serial No. AFX.638 ("2001 Caterpillar") located at Ritchie Brothers Auction in Olympia, Washington shall be sold on March 16, 2018 and all proceeds thereon are to be paid to Northwest Bank; and

2. The 2012 Komatsu 240 Excavator, 2722 hours, with wide tracks, thumb, 36" and grading buckets, Serial No. A20045 located at Ritchie Brothers in Salt Lake City, Utah shall be sold on March 26, 2018 and all proceeds thereon are to be paid to Northwest Bank.

IT IS FURTHER ORDERED that based on the facts and circumstances of this Stipulated Order, further notice is hereby waived pursuant to FRBP 4001(d)(4).

###

I certify that I have complied with the requirements of LBR 9021-1(a)(2)(A).

IT IS SO STIPULATED BY:

VANDEN BOS & CHAPMAN, LLP

FARLEIGH WADA WITT

By: /s/Douglas R. Ricks  
Douglas R. Ricks, OSB #044026  
Of Attorneys for Debtor-in-Possession

By: /s/Jason M. Ayres  
Jason M. Ayres, OSB # 001966  
Of Attorneys for Northwest Bank

PRESENTED BY:

VANDEN BOS & CHAPMAN, LLP

By: /s/Douglas R. Ricks  
Douglas R. Ricks, OSB #044026  
Of Attorneys for Debtor-in-Possession

**First Class Mail:**

See Attached List.

**Electronic Mail:**

The foregoing was served on all CM/ECF participants through the Court's Case Management/Electronic Case File system.

CERTIFICATE - TRUE COPY

DATE: March 12, 2018

DOCUMENT: DEBTOR'S MOTION TO TERMINATE THE AUTOMATIC STAY

I hereby certify that I prepared the foregoing copy of the foregoing named document and have carefully compared the same with the original thereof and it is a correct copy therefrom and of the whole thereof.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing on:

W. W. Construction, LLC  
Attn: Beth Wheeler  
PO Box 1150  
Newport, OR 97365

by mailing a copy of the above-named document to each of them in a sealed envelope, addressed to each of them at his or her last known address. Said envelopes were deposited in the Post Office at Portland, Oregon, on the above date, postage prepaid.

I hereby certify that the foregoing was served on all CM/ECF participants through the Court's Case Management/Electronic Case File system on the date set forth below.

Dated: March 12, 2018

VANDEN BOS & CHAPMAN, LLP

By: /s/Douglas R. Ricks  
Douglas R. Ricks, OSB #044026  
Of Attorneys for Debtor-in-Possession